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April 1, 2014

U.S. EPA Region 4
Sam Nunn Atlanta Federal Center
61 Forsyth Street, SW
Atlanta, GA 30303

VIA FEDERAL EXPRESS

Re: Public Records Request Pursuant to Florida Statute Ch. 119

Dear Sir or Madam:

By this letter, I am requesting certain information and documents the Department of Environmental Protection Agency (hereinafter, "the EPA") may have related to the Piney Point Phosphates, Inc. facility located east of U.S. Highway 41 in Manatee County, Florida, and in close proximity to Port Manatee, a deep water commercial port (hereinafter, "the property"). Based on my review of documents relating to the property, it is my understanding that the EPA took possession, custody, and/or control of the property in 2001 after Piney Point Phosphates, Inc. filed for bankruptcy protection pursuant to Chapter 11 of the Bankruptcy Code and abandoned the property. Please see Exhibit A for Definitions and General Instructions regarding the format of the production.

As to the content, please provide the following documents related to the property:

1. All documents and communications which refer or relate to the property.
2. All documents including, without limitation, electronic mail messages received by the EPA from anyone regarding or relating to the property.
3. All documents including, without limitation, electronic mail messages sent by the EPA to anyone regarding or relating to the property .
4. All documents, including, but not limited to, all raw sampling data and testing data and summaries, prepared or gathered by EPA regarding or relating to the property.
5. All documents prepared by EPA, which reflect in whole or in part any analysis made by you regarding or relating to the property.

6. All documents reflecting any opinions formed by EPA (including but not limited to drafts of any affidavits prepared by EPA) regarding or relating to the property.
7. All photographs or videos concerning the property.

In order to help determine the fees for this request, please advise me as to the estimated fees for this request. You can reach my paralegal, Diane Dickey at (813)229-4343 or via email at ddickey@cfjblaw.com.

Thank you in advance for your time and cooperation concerning this matter.

Sincerely,

CARLTON FIELDS JORDEN BURT, P.A.



Wm. Cary Wright

(signed by Diane Dickey in the absence of
Wm. Cary Wright to avoid delay)

EXHIBIT A

DEFINITIONS

For the purposes of this Public Records Request, the terms used are defined as follows:

1. "Document" means: any written or graphic matter or other means of preserving thought or expression, all tangible things from which information can be processed or transcribed, including the originals and all non-identical copies, whether different from the original by reason of any notation made on such copy or otherwise, including, but not limited to, correspondence, memoranda, notes, messages, letters, telegrams, teletype, telefax, bulletins, or other communications, diaries, chronological data, minutes, books, reports, charges, ledgers, invoices, expense vouchers, payroll stubs, purchase orders, worksheets, receipts, returns, computer print-outs, prospectuses, financial statements and balance sheets, schedules, work orders, affidavits, contracts, minutes, canceled checks, transcripts, statistics, surveys, magazine or newspaper articles, releases (and any and all drafts, alterations and modifications, changes and amendments of any of the foregoing), photographs, charts, graphs, microfiche, microfilm, videotape, recordings or representations of any kind (including, without limitation, tapes, cassettes, discs, and electronically stored information, however created, depicted or stored, e.g., on computer, disk, diskette, CD, tape, or zip, jazz, hard, network, or other drive, or by photographic, mechanical, digital, optical, electronic, or any other means).

2. The word "and" or "or" shall be construed conjunctively or disjunctively as necessary to make the request inclusive rather than exclusive.

3. The singular form of a noun or pronoun shall be considered to include within its meaning the plural form of the noun or pronoun so used, and vice versa; the use of the masculine

form of a pronoun shall be considered to include also within its meaning the feminine form of the pronoun so used, and vice versa; and the use of any tense of any verb shall be considered to include also within its meaning all other tenses of the verb so used.

4. ""Person" or "persons" shall mean each and every individual, corporation, partnership, joint venture, social, or political organization, or any other entity, whether real or judicial, incorporated or unincorporated, encompassed within the usual and customary meaning of "person" or "persons."

5. Unless specifically identified, the "Project" shall mean the property located at 13300 U.S. 41 N, Palmetto, Manatee County, Florida now owned by HRK Holdings and known as the Piney Point Phosphate Phosphogypsum Stack Systems, including, but not limited to, NGS-N, NGS-S, OGS-N, and OGS-S.

6. "Possession, custody or control" of a document or any other item means possession, custody or control of the U.S. Environmental Protection Agency, at any time up to and including these proceedings.

7. The term "Communication" means any manner or form of information or message transmission, however produced or reproduced, whether by "document" as herein defined or orally or otherwise, which is made, distributed or circulated between or among persons, or data storage or processing units, and any and all documents containing, consisting of, or relating or referring, in any way, either directly or indirectly, to a communication.

GENERAL INSTRUCTIONS

8. All Documents that exist in electronic form are to be produced in electronic form and in their Native Format or processed deliverable according to Attachment A and the files will

be accompanied by a load file in Concordance (.dat) format including the fields specified in Attachment A.

ATTACHMENT A

Carlton Fields Preferred Document Production Format for iConnect

I. General Production Requirements

A. All documents should be produced as Bates-stamped tagged image file format (“TIFF”) images along with an image load file, a data load file with fielded metadata, and document-level extracted text for electronically stored information or optical character recognition (“OCR”) text for scanned hard copy documents. Detailed requirements, including files to be delivered in native format, are below.

II. TIFF Image Requirements

A. All documents should be produced as TIFF images in 300x300 dpi Group IV multi-page monochrome format.

B. All such images should be consecutively Bates-stamped.

C. Images should include the following content where present:

1. For word processing files (e.g., Microsoft Word) – Comments and “track changes” (and similar in-line editing).
2. For spreadsheet files (e.g., Microsoft Excel) – Hidden columns, rows, and sheets; comments; and “track changes” (and similar in-line editing).
3. For presentation files (e.g., Microsoft PowerPoint) – Speaker notes and comments.

III. Native Format Requirements

A. Spreadsheet files

1. Spreadsheet files (e.g., Microsoft Excel) should be provided in native format.
2. In lieu of a TIFF image version of each spreadsheet file, a Bates-stamped TIFF placeholder file should be produced along with the native format version of each file. Where possible, include the corresponding native file name on the TIFF placeholder in addition to the Bates-stamped number.

3. When redaction is necessary, a redacted TIFF version may be produced; Carlton Fields reserves the right to request access to the native format versions of such files.

B. Other files

In limited circumstances, it may be necessary to obtain or view the native format versions of files, including color documents/images and dynamic files such as databases. Carlton Fields reserves the right to request access to the native format versions of such files.

IV. Image Load/Cross Reference File Requirements

- A. A multi-page image load/cross reference file should be provided with each production.
- B. The file may be in either IPRO (.lfp) or Opticon (.opt) format as in the samples below (note that volume label information – “@MSC001” in the sample IPRO file and “MSC001” in the sample Opticon file – is optional):

Sample IPRO .lfp file

IM,MSC00000014,D,1,@MSC001;MSC\0000;00000014.TIF;2
IM,MSC00000015,,2,@MSC001; MSC\0000;00000014.TIF;2
IM,MSC00000016,D,1,@MSC001; MSC\0000;00000016.TIF;2
IM,MSC00000017,,2,@MSC001; MSC\0000;00000016.TIF;2

Sample Opticon .opt file

MSC000001,MSC001,MSC\0000\00000001.TIF,Y,,,3
MSC000004,MSC001,MSC\0000\00000004.TIF,Y,,,2
MSC000006,MSC001,MSC\0000\00000006.TIF,Y,,,7
MSC000013,MSC001,MSC\0000\00000013 .TIF,Y,,,4

V. Data Load File and Extracted Text/OCR Requirements

- A. A data load file should be provided with each production.
- B. The file should be an iConect/Concordance-loadable data file, also known as a “DAT” file, and should contain Bates-stamp and metadata information as detailed below.
- C. Extracted text and/or OCR text should not be embedded in the DAT file but should rather be provided as separate, document-level text files. Document-level text file names should contain the beginning Bates number information of the

document. If a document is provided in native format with a placeholder tiff, (e.g., spreadsheet files) the text file should contain the extracted text of the native file. Searchable text should be provided for redacted documents excluding the redacted text. A sample OCR load file in the appropriate format is below.

Sample OCR.log file

MSC000001,MSC\0000\00000001.TXT
MSC000004,MSC\0000\00000004.TXT
MSC000006,MSC\0000\00000006.TXT
MSC000013,MSC\0000\00000013.TXT

- D. The requested delimiters and qualifiers to be used in the DAT file are:

Record delimiter: Windows newline/Hard return (ASCII 10 followed by ASCII 13)

Field delimiter: □ (ASCII 20)

Multi-value delimiter: Semicolon; (ASCII 59)

Text qualifier: Small thorn þ (ASCII 254)

- E. The DAT file should have a header line with field names and include the following fields:

Field	Comments
BegBates	Beginning Bates number
EndBates	Ending Bates number
BegAttach	Bates number of first page of family range, e.g., first page of an email.
EndAttach	Bates number of last page of family range, e.g., last page of last attachment to an email.
PageCount	Number of pages in document.
FileExtension	Loose files, attachments and email.
FileSize	Loose files, attachments and email (in bytes).
DocTitle	Loose files and attachments only.
Custodian	Loose files, attachments, and email. Custodian full name.
Author	Loose files and attachments only.
From	Email only.
To	Email only.
CC	Email only.
BCC	Email only.
Subject	Email only.
DateCreated	Loose files and attachments only. MM/DD/YYYY
DateModified	Loose files and attachments only. MM/DD/YYYY
DateSent	Email only. MM/DD/YYYY

TimeSent	Email only. HH:MM:SS AM/PM
DateReceived	Email only. MM/DD/YYYY
TimeReceived	Email only. HH:MM:SS AM/PM
FilePath	Loose files. Original path to the file as maintained in the ordinary course of business.
FileName	Loose files and attachments. Name of file as maintained in the ordinary course of business.
FolderPath	Email only. Path within the mail container file (e.g., PST file) to the message at collection time.
HiddenContent	For loose files and attachments only. List type of hidden content found in document (for content described in section II.C above)
NativePath	The path to the native-format file for the document, including the file name (if a native-format file is provided).

F. A sample DAT file in the appropriate format is below (the three entries below are, respectively, the header row, a parent email, and a spreadsheet attachment):

bBeginning Bates Number b bEnding Bates Number b bBeginning Attachment
Number b bEnding Attachment Number b bPage Count b bFile Extension b bFile Size
b bTitle b bCustodian b bAuthor b bFrom b bTo b bCC b bBCC b bSubject b bDate
Created b bDate Modified b bDate Sent b bTime Sent b bDate Received b bTime
Received b bFilePath b bFilename b bFolderPath b bHidden Content b bNativePath b

bSAMPLE00000001 b bSAMPLE00000001 b bSAMPLE00000001 b bSAMPLE00000002 b
b1 b b b2354 b bJohn H. Smith b b b bJohn H. Smith b bJane Doe b bJane W.
Schmidt; Mark Doe b b bChecks Payable b b b b12/ 25/2008 b b9:30:01
AM b b12/25/2008 b b9:30:11 AM b b b\Inbox\Payable\ b b b b

bSAMPLE00000002 b bSAMPLE00000002 b bSAMPLE00000001 b bSAMPLE00000002 b
b1 b b xls b b46444 b bAccounts Receivable b bJohn H. Smith b bJohn H.
Smith b b b b b b b12/22/2008 b b12/25/2008 b b b b0 b b b b2010
budget.xls b b bHidden Column b bNatives\SAMPLE\0000\00000002.xls b